

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 SMS-01 PM-05 CPR-02
FBIE-00 SY-05 JUSE-00 SS-15 SP-02 NSCE-00 DODE-00
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C O N F I D E N T I A L STATE 227076

E.O. 11652: GDS

TAGS: ASEC, PDIP, UR, US, CGEN

SUBJECT: TRIAL OF CHERNAYEV AND ENGER

REF: STATE 218656

1. ON TUESDAY, SEPTEMBER 5, JUDGE LACEY GRANTED A DEFENSE MOTION TO DELAY THE TRIAL UNTIL SEPTEMBER 27. COUNSEL REPRESENTING ENGER HAD REQUESTED ADJOURNMENT UNTIL OCTOBER -. CHERNAYEV'S NEW COUNSEL HAD REQUESTED AN EVEN LONGER DELAY (WHICH HAD BEEN DENIED BY JUDGE LACEY) AND HAD FILED A PETITION FOR A WRIT OF MANDAMUS WITH THE THIRD CIRCUIT COURT OF APPEALS REQUESTING THAT JUDGE LACEY'S DENIAL BE REVERSED. THE GOVERNMENT CONSENTED IN THE DELAY UNTIL THE 27TH.

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2. AS REPORTED IN REFTTEL, CHERNAYEV HAS RETAINED HIS OWN LAWYER, MATTHEW BOYLAN, OF LOWENSTEIN AND SANDLER, A PROMINENT NEWARK LAW FIRM. WE ARE TOLD THAT BOYLAN IS AN EXPERIENCED AND RESPECTED DEFENSE COUNSEL AND HAS BEEN USED BY THE STATE OF NEW JERSEY AS A SPECIAL PROSECUTOR IN THE PAST. THE JUSTICE DEPARTMENT AND THE U.S. ATTORNEYS IN

NEWARK FEEL THAT THE DECISION TO GET A SEPARATE DEFENSE
COUNSEL FOR CHERNAYEV WAS PROBABLY A DELAYING TACTIC. THEY
SEE NO GENUINE SPLIT BETWEEN THE DEFENDANTS BUT CANNOT RULE
THAT OUT. WE WILL KEEP THE EMBASSY ADVISED. CHRISTOPHER

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